

The Senate Agriculture and Consumer Affairs Committee offered the following substitute to SB 511:

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to present legislative findings; to define terms; to ban the sale of marijuana or hemp flavored candy; to provide for penalties; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, is amended by inserting a new Code section, immediately following Code Section 16-13-30.5, relating to possession of substances with the intent to use such substances in the manufacture of a controlled substance, to read as follows:

"16-13-30.6.

(a) As used in this Code section, the term:

(1) 'Marijuana flavored candy' means any candy that is:

(A) Made in whole or in part from any part of a marijuana or hemp plant;

(B) Advertised or held out for sale with the representation that such candy is made in whole or in part of a marijuana or hemp plant; or

(C) Advertised or held out for sale as having the flavor of marijuana or hemp or any synonym or slang term for marijuana or hemp.

The provisions of this paragraph notwithstanding, nothing in this Code section shall apply to products or foods manufactured with or containing nonpsychoactive hemp oils or nonpsychoactive hemp plant parts.

(2) 'Person' means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, limited liability company, joint venture, joint stock association, or other entity or business organization of any kind.

(b) The General Assembly finds and determines that:

(1) According to the '2004 Monitoring the Future Study' conducted by the University of Michigan, 16.3 percent of eighth graders, 35.1 percent of tenth graders, and 45.7 percent of twelfth graders reported using marijuana at least once during their lifetimes;

(2) According to a 2002 Substance Abuse and Mental Health Service Administration report, 'Initiation of Marijuana Use: Trends, Patterns and Implications,' the younger children are when they first use marijuana, the more likely they are to use cocaine and heroin and become drug dependent as adults;

(3) Marijuana abuse is associated with many negative health effects, including frequent respiratory infections, impaired memory and learning, increased heart rate, anxiety, and panic attacks;

(4) Marijuana users have many of the same respiratory problems that are associated with tobacco use;

(5) According to the '2001 National Household Survey on Drug Abuse,' marijuana is the nation's most commonly used illicit drug, and more than 83 million Americans aged 12 and older have tried marijuana at least once;

(6) Use of marijuana has been shown to lower test scores among high school students, and workers who smoke marijuana are more likely to have problems on their jobs;

(7) Federal, state, and local governments spend millions of dollars annually on programs educating people about the hazards of drugs, and the marketing of marijuana or hemp flavored candy would have an adverse impact upon these programs;

(8) The sale of marijuana flavored candy, including lollipops and gum drops, which claim 'every lick is like taking a hit' is a marketing ploy that perpetuates an unhealthy culture and should not be permitted in the State of Georgia;

(9) Marijuana or hemp flavored candy poses a threat to persons in the State of Georgia because such products give the false impression that marijuana is fun and safe;

(10) Marijuana or hemp flavored candy falling into the hands of unsuspecting persons may serve as a gateway to future use of marijuana and other drugs; and

(11) Merchants who sell marijuana flavored candy are promoting marijuana use and creating new customers for drug dealers in the State of Georgia.

Therefore, the purpose of this law is to prohibit the purchase and sale of marijuana or hemp flavored candy in the State of Georgia.

(c) It shall be unlawful for any person knowingly to sell, deliver, distribute, or display for sale, or knowingly possess with intent to sell, deliver, distribute, or display for sale, any marijuana or hemp flavored candy in the State of Georgia.

(d) Any person who violates subsection (c) of this Code section shall be guilty of a misdemeanor for the first offense. For the second or any subsequent offense, a person

1 violating subsection (c) of this Code section shall be guilty of a felony and, upon conviction
2 thereof, shall be punished by imprisonment for not less than one nor more than five years
3 or by a fine of not less than \$1,000.00 nor more than \$5,000.00, or both."

4 **SECTION 2.**

5 This Act shall become effective on July 1, 2006, and shall apply to offenses committed on
6 or after that date.

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.